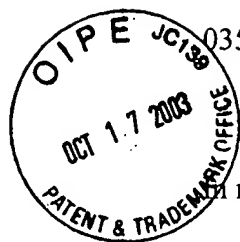


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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

21/Response
L. Steptue
10-30-03

re Application of:

MASAHIKO KUBOTA, et al.

Application No.: 09/878,946

Filed: June 13, 2001

For: SOLID SEMICONDUCTOR
ELEMENT, INK TANK,
INK JET RECORDING
APPARATUS PROVIDED
WITH INK TANK, LIQUID
INFORMATION ACQUIRING
METHOD AND LIQUID
PHYSICAL PROPERTY CHANGE
DISCRIMINATING METHOD

Examiner: L. Liang

Group Art Unit: 2853

October 16, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Sir:

This is in response to the Communication from the Patent Office dated September 25, 2003 (Paper No. 19) which asserted that the Supplemental Response dated August 20, 2003 was not fully responsive to the prior Office Action.

The assertion is respectfully traversed, for the reason that the Supplemental Response was, in fact, fully responsive. As correctly pointed out in the Supplemental Response, the Examiner himself agreed during an interview that his rejections were improper, and that upon filing of a response, finality of the rejections would be withdrawn

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and the claims would be reconsidered. Thus, the “supposed errors in the Examiner’s action”, which are referred to in Rule 1.111, are the admissions by the Examiner during the interview that his rejections were improper and would be withdrawn. This was documented in the Supplemental Response. Nothing else need be said to comply with the rules.

Furthermore, the Communication states that Applicants “claim” that the Examiner agreed to withdraw finality, which implies that the Examiner might not actually have so agreed. However, it is the Examiner himself who indicated, on his Interview Summary dated August 4, 2003, that agreement “was reached”.

For the sake of advancing prosecution of this case, the Communication has been treated as a request by the Examiner, under 37 C.F.R. § 1.105, for additional information which is provided below.

Specifically, the rejection under 35 U.S.C. § 103(a) is deficient because of the differences between the claimed invention and the cited patents to Koitabashi, Arai, and Maurelli. In relying on Maurelli, for example, the Office Action took the position that Maurelli’s sensors 74 and 14 respectively corresponded to the claimed first and second solid semiconductor elements. However, and as pointed out previously, Maurelli is silent about communication between its sensors 14 and 74, and even if such details were supplied, Maurelli is likewise silent about the use of such sensors to control an open/close valve in a connection path between chambers. This point was specifically conceded by the Examiner during the interview, who agreed with Applicants’ argument that Maurelli failed

to disclose the claimed invention, and instead was drawn to an arrangement which disabled resistors.

Thus, when considered as a whole, and when compared to permissible combinations of the applied art, the invention would not have been obvious to those of ordinary skill in the art.

In view of the foregoing, the Examiner is respectfully requested to honor the commitments made by him during the interview, and withdraw finality of the rejection.

Regarding a formal matter involving Information Disclosure Statements, it is noted that three such statements have been filed since issuance of the last Office Action on the merits. The Information Disclosure Statements are respectively dated January 13, 2003, August 20, 2003, and September 30, 2003. Consideration of the art cited in these Information Disclosure Statements is respectfully requested.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,


Attorney for Applicants

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